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February 26, 2025

BY ECF

The Honorable Leo M. Gordon
United States District Court
District of New Jersey
50 Walnut Street
Newark, New Jersey 07102

Re: State of New Jersey v. U.S. Dep't of Transp., et al., No. 23 Civ. 3885 (D.N.J.)

Dear Judge Gordon,

We write on behalf of Intervenor-Defendants regarding Federal Defendants' motion to stay proceedings in the above-referenced matter until entry of final judgment in *Metropolitan Transportation Authority v. Duffy*, No. 25 Civ. 1413 (S.D.N.Y.) (ECF 238).

Although Intervenor-Defendants very much appreciate all the hard work and effort that this Court has devoted to this case for over a year, and despite the fact that Intervenor-Defendants have sued FHWA/USDOT in the *MTA v. Duffy* matter, Intervenor-Defendants would not be prejudiced by a stay of this matter until the *MTA v. Duffy* matter is resolved given that the Congestion Pricing Program continues to operate. Accordingly, while we could hardly disagree more with Federal Defendants' assertion that the VPPP Agreement has been terminated and that February 19 was the effective date of such alleged termination, Intervenor-Defendants support the request for a stay.

Although Intervenor-Defendants will be prepared to submit their response to New Jersey's comments on Friday (ECF 226), we would respectfully propose that such submission be deferred in furtherance of judicial economy given the possibility that the requested stay may be granted. Of course, in this regard, we will do whatever the Court thinks is best.

Respectfully submitted,

/s/ Dan Chorost

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cc: Counsel of Record (via ECF)